

MUNICIPAL WATER SAFETY PATROL MANUAL



A Guide to State Aid and Recordkeeping Requirements



Wisconsin Department of Natural Resources

Bureau of Law Enforcement

Pub-LE-318-14

This manual is intended to be used by water safety patrols as a first source of information regarding the standards required by the Department. It is recommended that water safety patrols thoroughly review this manual. If there are any questions, please contact the Recreational Safety Warden in your area. This manual and all forms may be found on the DNR's webpage at dnr.wi.gov, keyword search Boat Patrol.

Roy Zellmer
Wisconsin Boating Law Administrator

Published March 2014

By

Wisconsin Department of Natural Resources

Bureau of Law Enforcement

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format (large print, Braille, audiotape, etc.) upon request. Please call (608) 266-2141 for more information.

Contents

ELIGIBILITY FOR STATE AID	3
WATER SAFETY PATROL DEFINITION	3
WATER SAFETY PATROL MISSION	ERROR! BOOKMARK NOT DEFINED.
MUNICIPAL WATER PATROL OFFICERS	3
REIMBURSEMENT	4
ADMINISTRATION	5
REPORTING REQUIREMENTS	6
Notice of Intent to Patrol Form 8700-059	6
Enforcement Patrol Daily Log Form 8700-089	6
Enforcement Patrol Monthly Report Form 8700-090.....	6
STATE AID APPLICATION PACKAGE	7
Municipal Water Safety Patrol State Aid Application Form 8700-060B.....	7
Salary Schedule Form 8700-061	7
Travel, Materials and Supplies Schedule Form 8700-062.....	7
Depreciation Schedule Form 8700-063	8
Record of Violations Form 8700-064	9
Municipal Boat Patrol U.S. Coast Guard Annual Report Form 8700-330.....	9
AUDIT OF WATER SAFETY PATROLS	10
Types of Audits	10
DENIAL OF CLAIM	11
BOATING INCIDENT/ACCIDENT	11
APPENDIX A – PATROL AUDIT CHECKLIST	12
APPENDIX B – WISCONSIN STATUTES / WISCONSIN ADMINISTRATIVE CODE	13
30.67 Accidents and accident reports.	13
30.686 Report arrest to department	14
30.79 Local water safety patrols; state aids	14
NR 5.08 Accident reports.....	16
NR 50.13 Law enforcement aids to municipalities.....	16
APPENDIX C – RSW MAP & RECREATIONAL BOATING PROGRAM STAFF	20

Municipal Water Safety Patrol Manual

A GUIDE TO STATE AID AND RECORDKEEPING REQUIREMENTS

ELIGIBILITY FOR STATE AID

The unit of government authorizing the patrol must contain at least one of the following within its jurisdiction:

- A lake of at least 100 acres in size, determined by the current Department lake survey; **OR**
- At least one mile of river within the jurisdiction of the unit of government.

Wisconsin Statute s. 30.79 and NR 50.13, Wis. Adm. Code, are the operational laws for Water Safety Patrols. They define terms, discuss enforcement powers, define jurisdictions, and define the criteria for receiving reimbursement. To be eligible to receive state aid, the water safety patrol unit must meet the following requirements and deadline dates. These requirements are the law and exceptions will not be made.

WATER SAFETY PATROL DEFINITION

A "water safety patrol unit" means a unit within an existing law enforcement agency or a separate municipal agency created by a municipality or by a number of municipalities riparian to a single body of water for the purpose of enforcing Sections 30.50 to 30.80, Wis. Stats., and any rules and ordinances enacted pursuant thereto. The definition of municipality includes public inland lake protection and rehabilitation districts and lake sanitary districts, but does not include lake associations.

MUNICIPAL WATER PATROL OFFICERS

All municipal water patrol officers must be certified law enforcement officers. Per s. NR 50.13, Wis. Adm. Code, patrol officers must be certified by the end of the calendar year in which they patrol. As Law Enforcement officers, they are subject to the certification requirements of chs. LES 2 and 3, Wis. Adm. Code, the standards adopted by the Uniform Law Enforcement Standards Board pursuant to s. 165.85, Wis. Stats. All questions and verification of qualifications under the act should be addressed to the Department of Justice, Training and Standards Bureau, 123 West Washington Avenue, Madison, Wisconsin 53703, (608) 266-8800.

WATER SAFETY PATROL MISSION

- To detect and investigate alleged boating law violations.
- To enforce s. 30.50 to 30.80, Wis. Stat., and local ordinances written under s. 30.77(3).
- To be immediately available to perform search and rescue missions for individuals reasonably believed to be alive, in distress, and in a life threatening situation.

REIMBURSEMENT

Municipalities may receive law enforcement aids for up to 75% of the net costs (determined by deducting all fines and forfeitures imposed upon persons convicted of violations of ordinances enacted pursuant to s. 30.77, Wis. Stats.) which are directly attributable to the operation and maintenance of the water safety patrol unit. State aid is available only for those activities associated with the local enforcement of ss. 30.50 to 30.80, Wis. Stats., and any administrative rules and ordinances enacted pursuant thereto. No municipality may receive state aid in excess of 20% of the State funds available.

In addition, the following guidelines must be met in order for a water safety patrol unit to receive state aid for costs:

1. On-the-water patrol hours for each water safety patrol are fundable based on a formula of the number of on-the-water patrol hours per arrest. The maximum number of on-the-water patrol hours per arrest shall be not more than 50% above the state average of on-the-water patrol hours per arrest for the past 3 years computed from the statewide municipal patrol records. This ratio may not be less than 15 on-the-water patrol hours per arrest for inland waters and no less than 22 for outlying waters (Lakes Michigan, Superior and Green Bay waters). Patrols with a ratio of on-the-water patrol hours per arrest in excess of the maximum ratio may be funded only for those hours that result in a ratio equal to the maximum ratio allowed.
2. The maximum number of fundable crew members shall be limited to two certified law enforcement officers per boat on inland waters.
3. The maximum number of fundable crew members shall be limited to three certified law enforcement officers per boat on outlying waters.
4. Except for time spent teaching the boating education course, no patrol may receive more than 40% of the total amount of its claim for administrative costs.
5. General towing of boats is not fundable unless the party on board is in distress/danger and in a life-threatening situation or the lack of a tow would place the party in distress or danger and in a life-threatening situation. Patrols must keep accurate accounts of any boats towed on the Enforcement Patrol Daily Log (Form 8700-89).
6. Perform at least 40 hours of fundable on-the-water patrol time during the calendar year. On-the-water means patrol time spent in a boat enforcing boating laws. The intent of the aids program is to provide funding for enforcement work conducted on-the-water, not from a parking lot or roadway.
7. Have at least one water safety patrol representative attend a water safety patrol meeting or other designated training session when offered by the Department. This person will be responsible for taking information received at the training session back to their agency and its officers.

ADMINISTRATION

Water Safety Patrols are administered by the Department of Natural Resources, Bureau of Law Enforcement through the region to which they belong. The responsible warden at the region is the Recreational Safety Warden (RSW) (see map in Appendix B).

Answers to questions not covered in this manual, interpretations, and additional information can be obtained from your Recreational Safety Warden. The Recreational Safety Wardens will bring unresolved questions and problems to the attention of the Boating Law Administrator.

The Bureau of Law Enforcement and the Recreational Safety Wardens have many tools available to assist the Water Safety Patrols in enforcement. Some of these tools are:

- ◆ Water use data and trends
- ◆ Intoxicated Enforcement Kits
- ◆ Decibel meters for measuring noise levels of boats for enforcement of s. 30.62(2)
- ◆ National and state case law and legal staff
- ◆ Access to additional enforcement officers for special boating problems
- ◆ Statistics
- ◆ Accidents and when, where, how they occurred
- ◆ Intoxicated incidents--where and time they have occurred, a profile of the "reason for stop" and the violator

The following are statutes and administrative codes which deal with Municipal Water Safety Patrols. Copies of statutes and administrative codes applicable to the Municipal Water Safety Patrols program are located in Appendix A.

- Section 30.67, Wis. Stats. - Accidents and accident reports.
- Section 30.686, Wis. Stats. - Duty to report intoxicated arrests.
- Section 30.79, Wis. Stats. - Terms, state aid, enforcement, jurisdiction, and reimbursement criteria.
- Section NR 5.08, Wis. Adm. Code - Patrol requirements when processing accident reports.
- Section NR 50.13, Wis. Adm. Code - Aids to municipalities.

The following are Department publications intended to inform and assist you. These publications are all available through the Boating Law Administrator in the Bureau of Law Enforcement.

- [Wisconsin Boating Accident Report \(PUB-LE-314\)](#) - This document is revised annually and contains the most recent year's boat accident statistics.
- [National Boating Accident Investigation Field Guide](#) First Edition – National Association of State Boating Law Administrator's (NASBLA) guide to marine accident investigations.
- [Guidelines to Ordinance Writing and Buoy Placement for Wisconsin Waterways \(PUB-LE-317\)](#) Although placement of waterway markers is not a reimbursable item for Municipal Water Safety Patrols, the Department realizes that patrols or their representatives are involved in the application for and placement of waterway markers. This manual contains valuable information on Ordinance writing and the application process for placement of waterway markers.

REPORTING REQUIREMENTS

Following are instructions and guidance for completing boat patrol forms. Note: All forms may be found on the DNR's webpage at dnr.wi.gov, keyword search boat patrol.

Annual Due Dates	
January 1 but no later than January 31	One copy of the State Aid Application Package must be submitted to the Recreational Safety Warden by this date. Claims which are received by the Department after January 31 will not be processed for payment.
January – March	Participate in audit. Date will be scheduled by Recreational Safety Warden.
March 1	Intent to Patrol (Form 8700-059) must be submitted to the Boating Law Administrator by this date each patrol year.
Every 2 Years	A patrol representative must attend a water safety patrol biennial workshop, date to be scheduled and notice sent out by the Bureau of Law Enforcement. Attendance is limited to 2 participants per patrol. At least one attendee must be an active officer of the patrol.
10th of each month	Submit Enforcement Patrol Monthly Report (Form 8700-90) for the previous month's activities to Recreational Safety Warden.

Notice of Intent to Patrol Form 8700-059 - This form, listing the authority under which the patrol will operate must be submitted on or before March 1 of the patrol year, to the Boating Law Administrator, 101 S. Webster Street, PO Box 7921, Madison, WI 53707-7921.

Enforcement Patrol Daily Log Form 8700-089 - The Daily Log should be completed daily. A Water Safety Patrol may have several "Dailies" if activities are taking place in several locations. An example would be two patrols. This form does not need to be mailed or submitted with the monthly report. However, the Daily Logs must be kept on file by the patrol and must be available in chronological order for periodical and yearly audit inspection. Because two thirds of the boating activity takes place on the weekend, we suggest Monday is set as a day for ensuring "Dailies" and files are complete.

Patrol Hours	Administrative Hours (not to exceed 40% of the total hours claimed)	Exempt Hours
<ul style="list-style-type: none"> Time spent patrolling area and enforcing ss. 30.50 to 30.80, Wis. Stats., and local boating ordinances. Citation/arrest processing Patrol travel time 	<ul style="list-style-type: none"> Time spent on maintenance of the boats or other equipment used in the patrol. Time spent completing Daily / Monthly Logs Time spent completing the annual aids application packet 	<ul style="list-style-type: none"> Accident Investigation DNR approved training. Attendance at DNR biennial patrol training. Search and rescue of presumed live persons as provided by s. NR 50.13, Wis. Adm. Code. This must be substantiated by Daily Log – Form 8700-089. Teaching Boating Safety Wisconsin DNR Boating Safety Education Courses

Enforcement Patrol Monthly Report Form 8700-090 - The Monthly Report is to be completed and submitted to the Recreational Safety Warden by mailing (regular mail or by email) to the

appropriate Recreational Safety Warden no later than the tenth (10) day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs (Form 8700-089). Failure to submit this form will result in that month's claim being denied. A copy of the disposition of each boating citation should be sent to the RSW along with the monthly report in the month in which the dispositions are received from the court.

STATE AID APPLICATION PACKAGE

One copy of the State Aid Application Package must be submitted between January 1 and January 31 to the Recreational Safety Warden.

Application packages that are received by the Department after January 31 will not be processed for payment.

Use the Patrol Audit Checklist in Appendix A to ensure that your state aid application package is complete.

The state aid application package consists of the following completed forms:

NOTE: Water Safety Patrols are authorized to use local computer-generated lists (forms) to substitute for the forms identified below. The local form must be approved by your Recreational Safety Warden and include all the information found on the DNR form. The local form must be functionally the same as the DNR form for which they are substituted.

Municipal Water Safety Patrol State Aid Application Form 8700-060B - This form is to be completed by the appropriate municipal official, who shall list the total net cost of the water safety patrol claimed by the municipality.

- a. If a patrol boat is sold private/auction/trade-in, the monies received do not need to be reported on the "Funding from other sources" line of the claim, provided the new patrol boat's cost has been reduced an equal amount to the sale and the patrol shows this through proper documentation.

Salary Schedule Form 8700-061 - Complete one annual Salary Schedule that summarizes the monthly summaries. Be sure to differentiate the regular straight time salary rate from fringe benefits for each officer. Fringe benefit rates are the actual costs up to a maximum of 29% of the gross salary (s. NR 50.13(4)(d)2) and should be listed separately by officer.

Travel, Materials and Supplies Schedule Form 8700-062 - All items listed must be documented with a receipt, voucher or invoice. Documentation must show vendor, date of purchase, purchase price and a description of the item. Vouchers must be authorized and signed by the proper local officials and have been paid during that year of patrol operation. Reimbursement is restricted to water safety items purchased for boat patrol enforcement purposes. The primary consideration is how the item is to be used, since the same item may or may not be reimbursable depending on its use in the enforcement of ss. 30.50 to 30.80, Wis. Stats., and local boating ordinances. Those items used for other purposes along with fundable purposes will be prorated based on time of use in each area.

It is a good business practice to contact your Recreational Safety Warden before purchasing items not authorized below.

Reimbursable Expense Items Under \$1,000	Non-Reimbursable Items
<ul style="list-style-type: none"> • Anchor • Badges • Batteries • Boat Bumpers • Crane Service for launching • First Aid Kits • Gas and Oil • Insurance • Maintenance Labor • Mileage-transporting boats. The mileage rate approved by Federal Internal Revenue Service for calendar year 2014 is \$.56 per mile • Office supplies directly related to the water patrol functions • Paint • Personal Flotation Devices (PFDs) • Propellers • Radio Equipment • Radio Service Repairs • Rope • Sirens • Spot Lights • Storage • Trailer Hitches • Training: must have Recreational Safety Warden's prior approval to receive reimbursement for any training other than annual patrol training • Travel: reimbursement of registration fees, lodging, meals, and transportation to attend Safety Certification for Patrol Officer, DNR Boat training sessions and other DNR Authorized Training • Tools - limited to a small kit for on water maintenance/emergencies • Uniforms 	<ul style="list-style-type: none"> • Accounting fees • All outside training not approved by RSW. • Any DOJ related recertification training. • Attorney Fees • Background Investigation Expenses • Body recovery kits • Building or maintenance of boathouses and related costs. • Buoys or buoy placement related work as this is not a water patrol responsibility. (A mooring buoy for tying up the patrol boat would be reimbursable). • Costs associated with signs stating local or state regulations. • Cell phones, accessories or monthly service fees outside of the patrol season. • Computers, Tablets, Computer software • Internet fees for more than one half of the patrol year • Costs associated with scuba or other equipment used in searching for or recovering bodies or lost objects. (Such as inflatable rubber boat for scuba work, scuba diving suits, weights, etc.) • Drug Screening for employees • Hover Craft • Motor Vehicle repair • Office rent in excess of 6 months • Re-Certification ammo • Rifles/Shotguns • Rifles/Gun Racks for boats • Training to meet the requirements of annual recertification is not reimbursable unless it is marine-enforcement related and pre-approved by the Recreational Safety Warden. • Video Microphones
<i>If you have any questions on reimbursement, consult your Recreational Safety Warden before purchasing.</i>	

Depreciation Schedule Form 8700-063 - Depreciation shall be calculated at the rate of 20 percent annually on all new capital equipment (\$1000 or over). All repairs over \$1,000 to capital equipment shall be reimbursed on a 20 percent per year straight line depreciation schedule. All reportable items must be actually paid for by December 31 to be included. This form doubles as an Inventory Record. Items should remain on this form until sold.

Under the straight-line depreciation method established, the patrol's depreciation expense is incurred each year. Accordingly, depreciation from prior years would not be a patrol expense for the preceding year. Under NR 50.12(3)(d), NR 50.13(4)(d) and 64.15(3)(d), the local patrols submit forms covering the patrol expense for the preceding 12-month period/calendar year.

Due to Generally Accepted Accounting Principles, if a patrol submits a claim that does not meet the minimum eligibility requirements, they lose a year on their depreciation schedule and the "lost" year of depreciation cannot be claimed on any subsequent claims. In addition, if the patrol does not submit a claim, they also lose that year on the depreciation schedule and cannot claim that amount on any subsequent claims.

Reimbursable Capital Items: \$1,000 and Over - Must have Recreational Safety Warden's prior approval before purchasing capital items.

- Boats
- Motors
- Trailers
- Repairs/Rebuilds

Record of Violations Form 8700-064 - Patrols will maintain the Record of Violations for each citation issued. It is suggested that patrols keep copies of citations in chronological order in one file.

A Department representative may check with the municipality to determine that all convictions of state violations as shown by fines collected have been reported on Form 4100-70B (Report of Disposition).

Patrols writing citations through municipal court must send a copy of the citation to the Recreational Safety Warden once it has been adjudicated. Citations are reviewed and entered into the Department's citations database.

Patrols must keep copies of their adjudicated citations to supplement patrol audit records and must be available in chronological order for review upon request.

Municipal Boat Patrol U.S. Coast Guard Annual Report Form 8700-330 - The information you provide on this form is included in the State's Annual Performance Report to the U.S. Coast Guard. The information is also used for planning purposes such as long-term use of resources, trends, identifying new areas of concern, etc. The form should be submitted no later than December 1 of each year. The Recreational Boating Program Specialist will request this summary report separately from the State Aid Package submittal.

AUDIT OF WATER SAFETY PATROLS

Before state aid is disbursed, authorized water patrols are audited by DNR staff. Audits take place between January and March for the previous year's activity. The purpose of the audit is to determine net costs which qualify for state aid, determine compliance with statutes and administrative codes, and to guide patrol activities to desired goals.

DNR Audit Materials - The following materials are necessary during a boat patrol audit.

1. Municipal Water Safety Patrol State Aid Application - Form 8700-60(B)
2. Salary Schedule - Form 8700-61
3. Travel, Materials and Supplies Schedule - Form 8700-62 including receipts, vouchers or invoices for all expenses
4. Depreciation Schedule - Form 8700-63
5. Record of Violations - Form 8700-64
6. Notice of Intent to Patrol (Copy is fine) - Form 8700-59
7. Enforcement Patrol Daily Logs - Form 8700-89
8. Enforcement Patrol Monthly Reports - Form 8700-90
9. Municipal Boat Patrol US Coast Guard Annual Report - Form 8700-330
10. Natural Resources Citation (non-criminal) - Form 4100-70B
11. Criminal Violation Disposition Record - Form 4100-4
12. All ordinances the water patrol is enforcing
13. Listing of officers who have patrolled and proof that they were certified law enforcement officers by the end of the calendar year in which they patrolled.
14. Any other patrol related materials requested by the Recreational Safety Warden or Department.

Types of Audits

- Desk Audit - At a minimum, each patrol will receive a desk audit every year. This will involve an inspection of the patrol's State Aid Application packet sent to the Recreational Safety Warden.
- Physical Audit - All new patrols will be physically audited the first two patrol years. Patrols will not go without a physical audit for more than 3 years. Physical audits are recommended at all times unless extenuating circumstances are present.
- Physical Inventory Audit - This is a physical inspection of all patrol equipment. Claims of \$25,000 or more are subject to a physical inventory audit at the discretion of the Recreational Safety Warden.

Any errors in the application will be discussed with local officials at the time of the audit. The auditor will keep a copy of the application and complete a letter of transmittal to the municipality. In this letter any corrections are explained and the amount due the applicant is shown.

During all audits the patrol representative and the Department auditors shall discuss the patrol's operations. The Recreational Safety Warden will follow up this discussion with a letter to the patrol representative covering any verbal agreements and pertinent information discussed. This letter will include any suggestions or ideas the auditors and patrol representative agree on to improve the operating procedures of the patrol. In this letter, any corrections are explained.

DENIAL OF CLAIM

State Statutes provide that all applications must be received by the Department no later than January 31 to be audited for payment. In accordance with the statutory requirements and an Attorney General's opinion, claims which are submitted after this date cannot be processed for payment. However, all claims must be audited, even if the claim is denied. In addition to a specific listing of the reasons for any denial, the following appeal rights will be included in the denials of claims.

- Statement of Appeal Rights - For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent. To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

BOATING INCIDENT/ACCIDENT

A reportable accident is a collision, accident or other casualty involving a boat resulting in death, personal injury requiring treatment by a physician, complete loss of boat, or total property damage exceeding \$2000.

Operator's are required to complete a Boat Operator's Accident Report – Form 4100-020 for all reportable accidents. Supply a copy of the form and instruct operator to submit it to the DNR within 10 days.

Investigations of boating incidents should be conducted as your department policy dictates. An investigation should always occur when any of the following conditions happen:

- Property damage of \$2,000 or more
- Fatality or disappearance of a boater
- Medical treatment beyond first aid
- Total loss of boat

If assistance is needed, contact a Conservation Warden or Recreational Safety Warden.

APPENDIX A – PATROL AUDIT CHECKLIST

Enter Name of Patrol	
Materials must be mailed by certified mail, hand-delivered or scanned and emailed to Recreational Safety Warden.	
	Form 8700-59 Notice of Intent to Patrol (send a copy with your audit materials)
	Form 8700-60 (A or B) State Aid Application
	Form 8700-61 Salary Schedule - A list of officers and their straight rate wage/wage per hour - include all officers that have participated in the current year claimed. Straight Rate only. (Excel users do not need to submit this, it is done on the monthly operations excel sheet)
	Form 8700-62 Travel, Materials aid Supplies Schedule – This is an itemized list of purchases with proof of purchase and payment (receipts required). Number each receipt corresponding to the line number on the Travel, Materials aid Supplies Schedule; use as many forms as needed. (turn in receipts with audit materials, copies are fine)
	Form 8700-63 Depreciation Schedule - This form doubles as an Inventory Record, regardless of depreciation status items remain on sheet until sold. Be sure to document all sales. All items that are or have been depreciated are required to be listed here and confirmed annually. Newly purchased and sold items such as Boat, ATVs, Snowmobiles, and trailers must be listed with receipts attached. Always show paper trail for items bought and sold.
	Form 8700-90 Enforcement Patrol Monthly Reports (Arrange in chronological order)
	Form 8700-89 Enforcement Patrol Daily Logs (Excel operations report user do not have to print out dailies unless requested by RSW)
	<p>Form 8700-64 Record of Violations - This is a listing of all citations and warnings issued. List the citations and written warnings on separate forms, label citations or warnings on top of form. You are also required to provide a white copy or a photo copy of all citations and warnings you wish to get credit for. These can be mailed in ahead of the audit, monthly or submitted with audit materials.</p> <p>**A copy of the citation means, the white copy from a handwritten citation or the officer copy from TraCS, a photocopy of the citation is also acceptable.</p> <p>Copies of written warnings are not required for Boat Patrol, however if you have them we would like to see them. They may become eligible for credit in the future years.</p>
	Ordinances attach any NEW copies of any new Recreational Ordinances you are aware of.
	Form 8700-330 Municipal Boat Patrol US Coast Guard Annual Report – Boat Patrols ONLY (This is a part of the USCG grant requirement and is necessary for future funding)
	Notes:

APPENDIX B – WISCONSIN STATUTES / WISCONSIN ADMINISTRATIVE CODE

30.67 Accidents and accident reports.

(1) DUTY TO RENDER AID. Insofar as the operator of a boat can do so without serious danger to the operator's boat or to persons on board, the operator of a boat involved in a boating accident shall stop the operator's boat and render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident. The operator shall give the operator's name and address and identification of the operator's boat to any person injured and to the owner of any property damaged in the accident.

(2) DUTY TO REPORT.

(a) If a boating accident results in death or injury to any person, the disappearance of any person from a boat under circumstances indicating death or injury, or property damage, every operator of a boat involved in an accident shall, without delay and by the quickest means available, give notice of the accident to a conservation warden or local law enforcement officer and shall file a written report with the department on the form prescribed by it. The department shall promulgate rules necessary to keep accident reporting requirements in conformity with rules adopted by the U.S. coast guard.

(b) If the operator of a boat is physically incapable of making the report required by this subsection and there was another occupant in the boat at the time of the accident capable of making the report the other occupant shall make such report.

(3) TERMS DEFINED. In this section:

(a) "Boating accident" means a collision, accident or other casualty involving a boat.

(b) "Injury" means any injury of a physical nature resulting in medical treatment, disability for more than 24 hours or loss of consciousness.

(c) "Total property damage" means the sum total cost of putting the property damaged in the condition it was in before the accident, if repair thereof is practical, and if not practical, the sum total cost of replacing the property.

(4) REPORTS CONFIDENTIAL. No report required by this section to be filed with the department shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made.

(5) TRANSMITTAL OF INFORMATION TO FEDERAL AND STATE AUTHORITIES. If any request for information available on the basis of reports filed pursuant to this section is duly made by an authorized official or agency of the U.S. government or of the state which registered the boat involved or the state where the accident occurred, the department shall compile and furnish such information in accordance with such request.

(6) CORONERS AND MEDICAL EXAMINERS TO REPORT; REQUIRE BLOOD SPECIMEN.

(a) Every coroner or medical examiner shall on or before the 10th day of each month report in writing to the department the death of any person within his or her jurisdiction during the preceding calendar month as the result of an accident involving a boat and the circumstances of the accident.

(b) In cases of death involving a boat in which the person died within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be withdrawn from the body of the decedent within 12 hours after his or her

death, by the coroner or medical examiner or by a physician so designated by the coroner or medical examiner or by a qualified person at the direction of the physician. All funeral directors, as defined in s. [445.01 \(5\)](#), shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this section. The blood so drawn shall be forwarded to a laboratory approved by the state health officer for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the state health officer. The state health officer shall keep a record of all examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the state health officer. The department shall reimburse coroners and medical examiners for the costs incurred in submitting reports and taking blood specimens and laboratories for the costs incurred in analyzing blood specimens under this section.

History: [1973 c. 302](#); [1979 c. 275](#); [1989 a. 359](#); [1991 a. 316](#); [2005 a. 266](#).

Cross-reference: See also s. [NR 5.08](#), Wis. adm. code.

30.686 Report arrest to department. If a law enforcement officer arrests a person for a violation of the intoxicated boating law or the refusal law, the law enforcement officer shall notify the department of the arrest as soon as practicable.

History: [1985 a. 331](#).

30.79 Local water safety patrols; state aids.

(1) DEFINITIONS. In this section:

(a) "Local governmental unit" means a municipality, a public inland lake protection and rehabilitation district or a lake sanitary district.

(am) "State aid" means payment by the state to a local governmental unit for or toward the cost of the operation or maintenance of a water safety patrol unit.

(b) "Water safety patrol unit" means one of the following:

1. A unit within an existing municipal law enforcement agency or a separate municipal agency, created by a municipality or by a number of municipalities riparian to a single body of water for the purpose of enforcing ss. [30.50](#) to [30.80](#) and any rules promulgated and ordinances enacted under ss. [30.50](#) to [30.80](#) and for the purpose of conducting search and rescue operations.

2. A unit created by a public inland lake protection and rehabilitation district, by a lake sanitary district or by a number of local governmental units riparian to a single lake, at least one of which is a lake district or a lake sanitary district, for the purposes specified in subd. [1](#).

(2) STATE AID. In order to protect public rights in navigable waters and to promote public health, safety and welfare and the prudent and equitable use of the navigable waters of the state, a system of state aids for local enforcement of ss. [30.50](#) to [30.80](#) and ordinances enacted under ss. [30.50](#) to [30.80](#) and for conducting search and rescue operations is established.

(2m) RULES FOR ELIGIBILITY.

(a) The department shall promulgate rules that restrict the costs eligible for state aid under this section. The rules shall establish the following:

1. A method for calculating the maximum number of hours spent on enforcement activities or on search and rescue operations by a water safety patrol unit that will be eligible for state aid.

2. The maximum number of crew members on a boat operated by a water safety patrol unit whose compensation will be eligible for state aid.

3. The types and location of navigable waters on which a water safety patrol unit may operate for the local governmental unit operating the water safety patrol unit to be eligible for state aid.

(b) In establishing the method of calculation under par. (a) 1., the department shall include the amount of boating activity and the size of the navigable water as factors to be used in making these calculations.

(c) In addition to the rules promulgated under par. (a) the department may promulgate rules that relate to making the operation or maintenance of a water safety patrol unit more cost-effective.

(3) ENFORCEMENT POWERS. Officers patrolling the waters as part of a water safety patrol unit may stop and board any boat for the purpose of enforcing ss. [30.50](#) to [30.80](#) or any rules promulgated or ordinances enacted under ss. [30.50](#) to [30.80](#) and for conducting search and rescue operations, if the officers have reasonable cause to believe there is a violation of the sections, rules or ordinances or the stopping and boarding of any boat is essential to conduct a search and rescue operation.

(4) JURISDICTION. Upon petition by any local governmental unit or group of local governmental units operating or intending to operate a water safety patrol unit, the department shall, if it finds that it is in the interest of efficient and effective enforcement to do so, by rule define the waters which may be patrolled by the unit, including waters lying within the territorial jurisdiction of some other town, village or city if the town, village or city consents to the patrol of its waters. Such consent is not required if the petitioner is a local governmental unit containing a population of 5,000 or more, bordering upon the waters to be affected by the rule in counties having a population of less than 500,000. Officers patrolling the waters as part of the water safety patrol unit shall have the powers of sheriff in enforcing ss. [30.50](#) to [30.80](#), or rules promulgated or ordinances enacted under ss. [30.50](#) to [30.80](#) and in conducting search and rescue operations, on any of the waters so defined, whether or not the waters are within the jurisdiction of the local governmental unit for other purposes.

(5) PAYMENT OF AIDS. On or before January 31 of the year following the year in which a local governmental unit operated a water safety patrol unit, it shall file with the department on the forms prescribed by it a detailed statement of the costs incurred by the local governmental unit in the operation of the water safety patrol unit during the past calendar year and of the receipts resulting from fines or forfeitures imposed upon persons convicted of violations of ordinances enacted under s. [30.77](#). The department shall audit the statement and determine the net costs that are directly attributable to the operation and maintenance of the water safety patrol unit, including a reasonable amount for depreciation of equipment. In calculating the net costs, the department shall deduct any fines or forfeitures imposed on persons convicted of violations of ordinances under s. [30.77](#) and any costs that do not comply with the rules promulgated under sub. (2m). The department shall compute the state aids on the basis of 75% of these net costs and shall cause the aids to be paid on or before April 1 of the year in which the statements are filed. If the state aids payable to local governmental units exceed the moneys available for such purpose, the department shall prorate the payments. No local governmental unit may receive state aid amounting to more than 20% of the funds available.

History: [1973 c. 302](#); [1977 c. 29, 274](#); [1989 a. 31, 159, 359](#); [1995 a. 349](#).

Cross-reference: See also ch. [NR 50](#), Wis. adm. code.

Water patrol officers in a county patrol have sheriff's powers when directly enforcing ss. 30.50 to 30.80. Deputization of such officers by the sheriff is not necessary but desirable. 65 Atty. Gen. 169.

NR 5.08 Accident reports.

(1) Written reports of boating accidents required by s. [30.67](#), Stats., shall be submitted to the Department of Natural Resources, Box 7921, Madison, Wisconsin 53707, on forms provided by the department, postmarked within 10 days after the date of the accident. Reportable accidents are defined as all boating accidents that result in loss of life, personal injury which required medical treatment beyond first aid, damage to the boat and other property exceeding \$2,000.00, or complete loss of the boat. All reports shall contain the following information:

- (a) The registration numbers and names of the boats involved.
- (b) The date and time of the accident.
- (c) The location of the accident.
- (d) The name, address, date of birth, and experience of the operator of the reporting boat.
- (e) The type of boat, length, hull construction, propulsion power, and type of fuel of the reporting boat.
- (f) The weather and sea conditions.
- (g) The type, nature, and opinion as to the cause of the accident.
- (h) A description of the damage to any property, including boats, and estimated cost of repairs.
- (i) The names and addresses of the operators of the other boats involved.
- (j) The names and addresses of the owners of boats or other property involved.
- (k) The names, addresses and dates of birth of all persons killed or injured.
- (L) The nature and extent of injury to any person.
- (m) Names and addresses of all known witnesses.
- (n) The names of the law enforcement, fire, or rescue squad that furnished assistance.
- (o) The physical condition, swimming ability, dress, and contributing cause of drowning of each victim.
- (p) The type of activity of victim.
- (q) The kind and type of life saving or fire fighting equipment employed in connection with the accident.
- (r) The name, address and signature of the person filling out the report.

(2) Every law enforcement agency receiving an operator's report of a boating accident as described in sub. (1) and required by s. [30.67 \(2\) \(a\)](#), Stats., shall forward the report to the department within 5 days of receipt of the report.

(3) Every law enforcement agency investigating a boat accident as described in sub. (1) shall forward the investigative report to the department within 15 days of the date of the accident. The report shall be made on a uniform boating accident investigative report form prescribed and supplied by the department in sufficient quantities to meet the requirements of the department and the law enforcement agency.

Note: Reports may be obtained from the Boating Safety Section, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

History: Cr. [Register, March, 1960, No. 51](#), eff. 4-1-60; renum. from WCD 5.08 to be NR 5.08, and am. intro. par., [Register, March, 1971, No. 183](#), eff. 4-1-71; r. and recr. (intro.), am. (4) and (11), cr. (18), [Register, April, 1985, No. 352](#), eff. 5-1-85; emerg. am. (intro.), eff. 3-15-90; am. (intro.), [Register, October, 1990, No. 418](#), eff. 11-1-90; renum. (intro.), (1) to (18) to be (1) (intro.), (a) to (r), cr. (2), (3), [Register, July, 1993, No. 451](#), eff. 8-1-93; [CR 01-007](#); am. (1) (intro.), [Register November 2001 No. 551](#), eff. 12-1-01.

NR 50.13 Law enforcement aids to municipalities.

(1) Municipalities may receive law enforcement aids for up to 75 percent of the net costs (determined by deducting all fines and forfeitures imposed upon persons convicted of violations of ordinances enacted pursuant to s. [30.77](#), Stats.) which are directly attributable to the operation and maintenance of the water safety patrol unit. State aid is available only for those activities associated with the local enforcement of ss. [30.50](#) to [30.80](#), Stats.,

and any administrative rules and ordinances enacted pursuant thereto. No municipality shall receive state aid in excess of 20 percent of the funds available.

(1m) No local unit of government may receive state aids under s. [30.79](#), Stats., for costs contrary to the following guidelines:

(a) On-water patrol hours for each water safety patrol are fundable based on a formula of the number of on-water patrol hours per arrest. The maximum number of on-water patrol hours per arrest shall be not more than 50 percent above the state average of on-water patrol hours per arrest for the past 3 years computed from the statewide municipal patrol records. This ratio may not be less than 15 on-water patrol hours per arrest for inland water patrols or less than 22 on-water patrol hours per arrest for patrols that operate on outlying waters or on lakes of over 100,000 acres. Patrols with a ratio of on-water patrol hours per arrest in excess of the maximum ratio may be funded only for those hours that result in a ratio equal to the maximum ratio allowed. Patrols are also subject to the following guidelines:

1. For the purpose of establishing the average patrol hour per arrest for each claim, the inland patrols shall be based on the average of all inland water patrols and the outlying water patrols shall be based on the average of all the patrols that operate on outlying waters or on lakes of over 100,000 acres participating in the program of aids to municipal water safety patrol units.

2. For the purpose of establishing on-the-water patrol average, on-the-water patrol hours are one person times one hour of on-the-water on patrol.

(b) The maximum number of fundable crew members on a water safety patrol shall be limited to:

- 1.** Two certified law enforcement officers per boat on inland waters, having authority to make arrests; and
- 2.** Three certified law enforcement officers per boat on outlying waters or on lakes of over 100,000 acres, having authority to make arrests.

(c) No local unit of government is eligible for reimbursement unless it contains within its jurisdiction at least one of the following:

- 1.** A lake of at least 100 acres in size, determined by the current department lake survey.
- 2.** At least one mile of river within the jurisdiction of the local unit of government.

(d) A local unit of government operating within the guidelines of this section may be reimbursed for actual expenses for search and rescue on all waters within its jurisdiction.

(e) No local unit of government may receive aid under any portion of the program of aids to municipal water safety patrol units unless its water safety patrol has performed at least 40 hours of fundable on-the-water patrol time during the calendar year.

(f) A local unit of government may be reimbursed for the actual teaching hours of a law enforcement officer who conducts an authorized department boating safety education course.

(g) Water safety patrol expenses on lakes less than 100 acres and sections of rivers less than one mile in length may only be reimbursed if the patrol qualifies under par. [\(c\)](#) and the expenses are justified in the interest of public health and safety. Such justification shall be documented on each daily log Form 8700-59 and included on the monthly report Form 8700-90.

(2) For the purpose of administering the aids to local units of government provided in s. [30.79](#), Stats., search and rescue is defined as the activity of looking for a person or persons who are, or who are reasonably believed to be alive, in distress and are in a life threatening situation.

(a) Search and rescue aids may be provided to authorized municipal water safety patrol units operating under the following circumstances:

1. Enforcing the provisions of ss. [30.50](#) to [30.80](#), Stats.;
2. Requesting outside assistance when circumstances exist which justify employing such assistance, on a case-by-case basis. The basis for requesting outside assistance must be justifiable from a cost and effectiveness standpoint.
3. Towing where the disabled boat and occupants are in distress and in a life threatening situation.

(3) Claim forms shall be filed with the appropriate district office of the department of natural resources, as specified in s. [30.79](#), Stats. Claims are to be made for the calendar year immediately preceding the filing date.

(4) The following forms shall be used by each water safety patrol unit to qualify it for state aid:

(a) *Form 8700-59 — Notice of intent to patrol.* In order to be eligible for state aids, a water safety patrol must function as a law enforcement unit and file an intent to patrol form with the department, listing the authority under which the water safety patrol will operate. On or before March 1 of each year the municipality shall file an intent to patrol form with the department, sent to the attention of the coordinator of boating safety, Madison, Wisconsin.

(b) *Form 8700-89 — Daily log.* This form is to be used in compiling a summary of the water safety patrol's daily activities and expenses. It is not to be filed with the department, but is to be used for assembling information necessary to complete form 8700-90. The form must be kept on file by the water safety patrol to augment its records and must be available in chronological order for periodic checks by representatives of the department during normal business hours and at the time of the annual audit.

(c) *Form 8700-90 — Monthly report.* This form is to be completed and filed with the appropriate district office no later than the tenth day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs (form 8700-89).

(d) On or about September 1 of each year, one set of the following forms will be sent by the department to each municipality which has an active intent to patrol form on file. The appropriate official shall fill out the forms, retain one set for the municipality's records, and file 2 sets with the appropriate regional office as specified in s. [30.79](#), Stats., covering the patrol expense for the preceding calendar year. Claims which are received by the department after January 31 will not be processed for payment.

1. 'Form 8700-60 — Application for state aid.' This form is to be completed by the appropriate municipal official, who shall list the total net cost of the water safety patrol claimed by the municipality.

2. 'Form 8700-61 — Salary schedule.' This form is to be completed by the appropriate municipal official, who shall list the names and salaries of persons engaged in the local enforcement of ss. [30.50](#) to [30.80](#), Stats., and any administrative rules and ordinances enacted pursuant thereto. Salary rate is restricted to no more than the regular straight time rate which the officer normally receives. Allowable fringe rates are actual costs up to a maximum of 29 percent of the reimbursable straight time salary rate.

3. 'Form 8700-62 — Travel, materials and supplies schedule.' This form is to be completed by the appropriate municipal official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. 'Form 8700-63 — Depreciation schedule - straight line method.' This form is to be completed by the appropriate local unit of government official, who shall list all capital outlay equipment and the resulting depreciation. Depreciation shall be calculated at the rate of 20 percent annually on all new capital equipment (\$1000 or over). Repairs \$1,000 and under to authorized capital equipment may be reimbursed during the year the repairs were paid for. All repairs over \$1,000 to capital equipment shall be reimbursed on a 20 percent per year straight line depreciation schedule.

5. 'Form 8700-64 — Record of court cases for violations of ss. 30.50 to 30.80, Stats., and any administrative rules and ordinances enacted pursuant thereto.' This form is to be completed by the appropriate municipal official, who shall list all violations and court actions for the calendar year.

(5) Travel expenses and salaries for training purposes are authorized only for attendance at boating safety enforcement training sessions conducted by the department. The person in charge of the patrol, or his/her designee, is required to attend all designated department boating safety enforcement patrol training sessions as a condition of receiving aids under this rule and s. [30.79](#), Stats.

(6) Except for time spent teaching boating education courses, no local unit of government is eligible for more than 40 percent of the total number of hours claimed on Form 8700-61 for administrative time.

History: Cr. [Register, October, 1977, No. 262](#), eff. 11-1-77; renum. (2) to (4) to be (3) to (5), cr. (2), [Register, May, 1979, No. 281](#), eff. 6-1-79; emerg. cr. (1m), (2) (a) 3. and (6), am. (2) (intro.) and (4) (a) 4., eff. 3-15-90; cr. (1m), (2) (a) 3. and (6), am. (2) (intro.) and (4) (d) 4., [Register, October, 1990, No. 418](#), eff. 11-1-90; am. (1m) (a) (intro.), (4) (d) 2. and 4., [Register, May, 1995, No. 473](#), eff. 6-1-95; am. (4) (d) (intro.), [Register, December, 1999, No. 528](#), eff. 1-1-00; [CR 01-007](#): am. (6), [Register November 2001 No. 551](#), eff. 12-1-01; [CR 02-098](#): am. (1m) (a) (intro.), 1. and (b) 2. and (4) (d) (intro.) [Register May 2003 No. 569](#), eff. 6-1-03.

APPENDIX C – RSW MAP & RECREATIONAL BOATING PROGRAM STAFF

Recreational Safety Warden Map

Boating Law Administrator: Roy Zellmer: 608/212-5385
Boating Program Specialist: Penny Kanable: 608/228-9352

